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RIVER RANCH FRESH FOODS, LLC, et al.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RIVER RANCH FRESH FOODS, LLC, *et al.*,

Plaintiffs,

v.

PREMIUM FRESH FARMS, LLC, *et al.*,

Defendants.

CASE NO. C 08-01688 PVT

ORDER ON

**CASE MANAGEMENT
CONFERENCE STATEMENT –
REQUEST TO CONTINUE CMC**

CMC Date: November 18, 2008

CMC Time: 2:00 p.m.

**CMC Place: Ctrm. 5, 4th Floor
San Jose**

Plaintiffs River Ranch Fresh Foods, LLC, Vessey and Company, Inc., Lancer Marketing, and Field Fresh Farms, LLC respectfully request that the Case Management Conference and the associated dates be continued for an additional 45 to 60 days. Although Plaintiffs had intended to file a Motion for Default Judgment, Defendants John Tamagni (“Tamagni”) and Robert Elliott (“Elliott”) retained new counsel who requested that Plaintiffs stipulate to the lifting of the default that was previously filed. Plaintiffs

1 agreed to do so, and a Stipulation Lifting Default [as to Tamagni and Elliott only] &
2 Proposed Order was filed today.

3 Although Plaintiffs counsel and Defendants Tamagni & Elliott's new attorney
4 have discussed settlement of this action, it does not appear that any agreement will be
5 reached at this time. Consequently, Plaintiffs respectfully request that the Case
6 Management Conference be continued for 45 to 60 days to allow Defendants Tamagni
7 and Elliott time to respond to the Complaint and to discuss and file a Case Management
8 Conference Statement. Also, within the next two weeks, Defendants will file a Request
9 for Default Judgment as to the remaining Defendants.

10 I declare under penalty of perjury under the laws of the United States that the
11 foregoing is true and correct.

12 Date: November 10, 2008

RYNN & JANOWSKY, LLP

14 By: /s/ Marion I. Quesenbery
MARION I. QUESENBERY
15 Attorneys for Plaintiffs

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17 **IT IS SO ORDERED. The Case Management Conference is continued to**

18 January 20, 2009, at 2:00 p.m., in Courtroom ^{5, 4th} ~~2, 17th~~ Floor, San ^{Jose} ~~Francisco~~.

19 Date: November 12, 2008

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U.S. MAGISTRATE JUDGE